

**BEST AVAILABLE COPY**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant : Michael S. Colman

Serial No. : 09/766,161

Filed : January 19, 2001

For : IMPROVED RECOVERY OF LINEAR NUCLEIC ACIDS BY  
SALT DILUTION AND/OR REDUCED PRESSURE PRIOR  
TO CONTINUOUS PRESSURE DIFFERENTIAL  
ULTRAFILTRATION

Examiner : Menon, Krishnan S.

Art Unit : 1723

Attorney  
Docket No. : MCA-538

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**REQUEST FOR REFUND**


On our May 31, 2005 Deposit Account: 14-0930 statement, two charges were posted on May 10, 2005 (1) \$420.00 - Fee code: 1252: second month extension fee and (2) \$790.00 - Fee code: 1801: RCE Filing Fee (copy enclosed) relating to U.S. Patent Application Serial No. 09/766,161.

On August 9, 2004, check no. 19481, in the amount of \$1190.00, which was for the payment of the two month extension and RCE filing fee, was mailed with the response. A copy of transmittal letter, fee transmittal form, extension and the canceled check showing payment thereof are enclosed herewith.

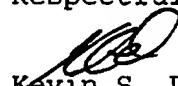
Please note that the Examiner requested a copy of the documents filed on April 26, 2005 (copy of fax transmittal form enclosed), which we believe the Examiner incidentally charged the deposit account for the above charges already paid.

It is requested that a credit for the said charges of \$1210.00 be made to Deposit Account No. 14-0930.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313, on June 23, 2006

  
Signature: Kevin S. Lemack  
Date: June 23, 2006

Respectfully submitted,

  
Kevin S. Lemack  
Attorney for Applicants  
Registration No. 32,579  
Niels & Lemack  
176 E. Main Street-Suite 7  
Westboro, MA 01581  
TEL: (508) 898-1818

Adjustment Date: 07/14/2006 SDIRETAL  
05/10/2005 GBUTLER 00000005 140930 09766161  
01 FC:1252 420.00 CR  
02 FC:1801 790.00 CR

19481

NIELDS & LEMACK

VENDOR ID: COMPATS  
PAYEE: Commissioner for Patents

CHECK NO: 00019481

MEMO: MCA-538: RCE & 2mth Ext

DATE: 08/09/04

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on August 9, 2004 (Date)

Name of applicant, assignee, or Registered  
Representative

Signature

Date August 9, 2004

CHECK TOTAL: \*\*\*\*\*\$1,190.00

19481

NIELDS & LEMACK

ATTORNEYS-AT-LAW  
176 E. MAIN STREET  
WESTBOROUGH, MA 01581

FLEET BANK, N.A.  
MASSACHUSETTS

5-13/110

00019481

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DATE  
08/09/04

AMOUNT  
\*\*\*\*\*\$1,190.00

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OF

Commissioner for Patents

AUTHORIZED SIGNATURE

MCA-538: RCE & 2mth Ext

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# TRANSMITTAL FORM

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Total Number of Pages in This Submission

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Application Number 09/786,161  
Filing Date January 19, 2001  
First Named Inventor Michael S. Colman  
Art Unit 1723  
Examiner Name Menon, Krishnan S.  
Attorney Docket Number MCA-538

## ENCLOSURES (Check all that apply)

- ☐ Fee Transmittal Form
- ☐ Fee Attached
- ☐ Amendment/Reply
  - ☐ After Final
  - ☐ Affidavits/declaration(s)
- ☐ Extension of Time Request
- ☐ Express Abandonment Request
- ☐ Information Disclosure Statement

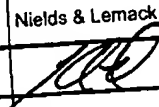
- ☐ Certified Copy of Priority Document(s)
- ☐ Reply to Missing Parts/Incomplete Application
  - ☐ Reply to Missing Parts under 37 CFR 1.52 or 1.53

- ☐ Drawing(s)
- ☐ Licensing-related Papers
- ☐ Petition
- ☐ Petition to Convert to a Provisional Application
- ☐ Power of Attorney, Revocation
- ☐ Change of Correspondence Address
- ☐ Terminal Disclaimer
- ☒ Request for Refund
- ☐ CD, Number of CD(s) \_\_\_\_\_
- ☐ Landscape Table on CD

- ☐ After Allowance Communication to TC
- ☐ Appeal Communication to Board of Appeals and Interferences
- ☐ Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
- ☐ Proprietary Information
- ☐ Status Letter
- ☒ Other Enclosure(s) (please identify below):
  - Copy of Deposit Acct Statement dated 5/31/05
  - Cancelled check (19481)
  - Fax transmittal form to Examiner 4/26/05
  - Forms showing payment on 8/9/04

Remarks

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name Nields & Lemack  
Signature   
Printed name Kevin S. Lemack  
Date June 23, 2006

Reg. No. 32,579

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Kevin S. Lemack

Date June 23, 2006

Typed or printed name

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NIELDS & LEMACK

ATTORNEYS-AT-LAW  
176 E. MAIN STREET  
WESTBOROUGH, MA 01581

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FINAL

Account No.
140930
Date
5-31-05
Page
1

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Chicago, IL 60673

DEBITED YR.	CONTROL NO.	DESCRIPTION (Serial, Patent, TM, Order)	DOCKET NO.	FEE CODE	CHARGES/ CREDITS	BALANCE
05	6	09766161	MCA-538	1252	420.00	7498.80
05	7	09766161	MCA-538	1801	790.00	6708.80
05	566	PCT/US05/15554	675P001-PCT	1703	84.00	6624.80
05	568	PCT/US05/15554	675P001-PCT	8007	40.00	6584.80
05	29	10471726	441P074	1615	-54.00	6638.80
05	30	10471726	441P074	1614	-84.00	6722.80
05	1	10833409	513P005	2201	100.00	6622.80
05	459	10535142	441P094	8021	40.00	6582.80
AMOUNT SUFFICIENT TO ALL SERVICES REQUESTED ALWAYS BE ON DEPOSIT			OPENING BALANCE	TOTAL CHARGES	TOTAL CREDITS	CLOSING BALANCE
			7918.80	1474.00	138.00	6582.80

\*\*\* O.D. INDICATES OVERDRAWN

**FACSIMILE TRANSMITTAL LETTER**

PAGE 1 OF 14

DATE: April 26, 2005

TO: Margaret Stevens

RE: Applicant : Michael S. Colman  
Serial No. 09/766,161  
Filing Date: January 19, 2001  
For: Improved Recovery of Linear Nucleic Acids By Salt Dilution and/or  
Reduced Pressure Prior to Continuous Pressure Differential Ultrafiltration  
Our Ref: MCA-538

FAX NO: (571) 273-0553

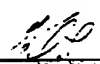
FROM: Kevin S. Lemack  
Registration No. 32,579  
Niels & Lemack  
176 E. Main Street  
Westboro, MA 01581  
  
TEL: (508) 898-1818  
FAX: (508) 898-2020

MESSAGE:

In accordance with your telephone conversation with my secretary, Ann Marie, we enclose herewith a copy of the RCE and amendment that was filed on August 9, 2004.

**CERTIFICATE OF FACSIMILE TRANSMISSION**

I hereby certify that these papers are being facsimile transmitted to the Patent and Trademark Office on the date shown below.

  
\_\_\_\_\_  
Kevin S. Lemack  
Registration No. 32,579

\_\_\_\_\_  
April 26, 2005  
Date

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**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

Application Number	09/766,161
Filing Date	January 19, 2001
First Named Inventor	Michael S. Colman
Art Unit	1723
Examiner Name	Menon, Krishnan S.
Attorney Docket Number	MCA-538

Total Number of Pages in This Submission

13

**ENCLOSURES (Check all that apply)**

- ☒ Fee Transmittal Form
- ☒ Fee Attached
- ☒ Amendment/Reply
- ☒ After Final
- ☐ Affidavits/declaration(s)
- ☒ Extension of Time Request
- ☐ Express Abandonment Request
- ☐ Information Disclosure Statement
- ☐ Certified Copy of Priority Document(s)
- ☐ Response to Missing Parts/Incomplete Application
- ☐ Response to Missing Parts under 37 CFR 1.52 or 1.53

- ☐ Drawing(s)
- ☐ Licensing-related Papers
- ☐ Petition
- ☐ Petition to Convert to a Provisional Application
- ☐ Power of Attorney, Revocation
- ☐ Change of Correspondence Address
- ☐ Terminal Disclaimer
- ☐ Request for Refund
- ☐ CD, Number of CD(s) \_\_\_\_\_

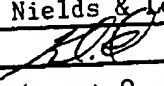
- ☐ After Allowance communication to Group
- ☐ Appeal Communication to Board of Appeals and Interferences
- ☐ Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
- ☐ Proprietary Information
- ☐ Status Letter
- ☒ Other Enclosure(s) (please identify below):

-Request For Continued Examination (RCE), Form

-Appendix (1-Page)

Remarks

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**


Firm or Individual name	Kevin S. Lemack Niels & Lemack
Signature	
Date	August 9, 2004

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Typed or printed name	Kevin S. Lemack
-----------------------	-----------------

Signature



Date

Aug. 9, 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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<b>PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a)</b>		Docket Number (Optional)	MCA-538
In re Application of	Michael S. Colman		
Application Number	09/766,161	Filed	1/19/2001
For	Improved Recovery of Linear Nucleic . . .		
Art Unit	1723	Examiner	Menon, Krishnan S.

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above identified application.

The requested extension and appropriate non-small-entity fee are as follows (check time period desired):

- ☐ One month (37 CFR 1.17(a)(1))
- ☒ Two months (37 CFR 1.17(a)(2))
- ☐ Three months (37 CFR 1.17(a)(3))
- ☐ Four months (37 CFR 1.17(a)(4))
- ☐ Five months (37 CFR 1.17(a)(5))

\$ \_\_\_\_\_

\$ 420.00

\$ \_\_\_\_\_

\$ \_\_\_\_\_

\$ \_\_\_\_\_

- ☐ Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee amount shown above is reduced by one-half, and the resulting fee is: \$ \_\_\_\_\_
- ☒ A check in the amount of the fee is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached.
- ☐ The Director has already been authorized to charge fees in this application to a Deposit Account.
- ☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number 14-0930.

I have enclosed a duplicate copy of this sheet.

- I am the ☐ applicant/inventor.
- ☐ assignee of record of the entire interest. See 37 CFR 3.71.
- ☐ Statement under 37 CFR 3.73(b) is enclosed (Form PTO/SB/96).
- ☒ attorney or agent of record. Registration Number 32,579
- ☐ attorney or agent under 37 CFR 1.34(a).
- ☐ Registration number if acting under 37 CFR 1.34(a) \_\_\_\_\_

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August 9, 2004  
Date

[Signature]  
Signature

Kevin S. Lemack  
Typed or printed name

508-898-1818  
Telephone Number

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☐ Total of \_\_\_\_\_ forms are submitted.

This collection of information is required by 37 CFR 1.136(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 6 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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# FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

## Complete If Known

Application Number 097766,161  
Filing Date January 19, 2001  
First Named Inventor Michael S. Colman  
Examiner Name Menon, Krishnan S.  
Art Unit 1723  
Attorney Docket No. MCA-538

TOTAL AMOUNT OF PAYMENT

(\$ 1,190.00

## FEE CALCULATION (continued)

### METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account:

Deposit Account Number 14-0930  
Deposit Account Name Nields & Lemack

The Director is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments  
☒ Charge any additional fee(s) or any underpayment of fee(s)  
☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

### FEE CALCULATION

#### 1. BASIC FILING FEE

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 770	2001 385	Utility filing fee	
1002 340	2002 170	Design filing fee	
1003 530	2003 265	Plant filing fee	
1004 770	2004 385	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	
SUBTOTAL (1) (\$)			

#### 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent	-20** =	X	
Multiple Dependent	-3** =	X	

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1202 18	2202 9	Claims in excess of 20	
1201 86	2201 43	Independent claims in excess of 3	
1203 290	2203 145	Multiple dependent claim, if not paid	
1204 86	2204 43	** Reissue independent claims over original patent	
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent	
SUBTOTAL (2) (\$)			

\*\*or number previously paid, if greater; For Reissues, see above

#### 3. ADDITIONAL FEES

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for ex parte reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	420
1251 110	2251 55	Extension for reply within first month	
1252 420	2252 210	Extension for reply within second month	
1253 950	2253 475	Extension for reply within third month	
1254 1,480	2254 740	Extension for reply within fourth month	
1255 2,010	2255 1,005	Extension for reply within fifth month	
1401 330	2401 165	Notice of Appeal	
1402 330	2402 165	Filing a brief in support of an appeal	
1403 290	2403 145	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,330	2453 665	Petition to revive - unintentional	
1501 1,330	2501 665	Utility issue fee (or reissue)	
1502 480	2502 240	Design issue fee	
1503 640	2503 320	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1808 180	1806 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 770	2809 385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 770	2810 385	For each additional invention to be examined (37 CFR 1.129(b))	770
1801 770	2801 385	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 1,190.00

(Complete if applicable)

SUBMITTED BY

Name (Print/Type)

Kevin S. Lemack

Signature

Registration No. (Attorney/Agent)

32,579

Telephone

508-898-1818

Date

Aug. 9, 2004

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